

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2069 OF 2007

S.K.Banegaon.....

Petitioner

V/s

Tukaram Krushnaji Sonkamble & Ors.....

Respondents.

Office Notes, Office

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Court's or Judge's Orders

Memoranda of Coram, appearances)

Court's orders or directions and

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Registrar's orders.

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Mr.L.M.Acharya, Adv. for the petitioner.

Mr.S.G.Kudle, Adv. For respondent No.1.

Mr.A.M.Kulkarni, Adv. For respondent
No.2 & 3.

CORAM: A.P. DESHPANDE, J.

29.3.2007

PC:

By the present petition the petitioner has taken an exception to an interlocutory order passed by the Presiding Officer, School Tribunal granting interim relief in favour of the respondent/appellant. It is undisputed that the respondent was possessing qualification of B.A. B.Ed. right since the date of his initial appointment i.e. 21.6.79 whereas the present petitioner came to be appointed on 13.10.1980 and

he too was possessing requisite qualification of trained graduate teacher viz. B.Sc., B.Ed. The Tribunal has held relying on Division Bench judgment of this Court reported in the case of **Saramma Varghese** v. **Secretary/President, S.I.C.E.S. Society**, 1989 Mh. L.J. 951 that there is no relevance with the higher pay scale while determining the seniority of teachers. It is the case of the petitioner that though the respondent was possessing qualification of B.A. B.Ed he was appointed in lower pay scale admissible for SSC-D.Ed. teacher and hence respondent ought to have been treated as junior than the petitioner. The said submission is *prima facie* devoid of substance in view of third principle laid down by the Division Bench in para 23 of its above referred judgment.

2. Perused the order passed by the Tribunal. It does not suffer from any illegality much less patent. Hence no interference in writ jurisdiction is called for. However in my view, ends of justice would be met if the Tribunal proceeds to expeditiously decide the appeal pending on its file uninfluenced by observations made by it in interlocutory order so also this order. Writ petition stand dismissed.

29.3.07.